

# Exhibit C

1  
2  
3  
4  
5

**3RD DIVISION DISTRICT COURT**  
**STATE OF RHODE ISLAND VERSUS JOSHUA MELLO**  
**CASE NUMBER 31-2021-08448**  
**DECEMBER 18, 2023**

1	<b>TABLE OF CONTENTS</b>	
2		
3		
4	LIST OF PARTICIPANTS.....	3
5	TRANSCRIPT .....	4
6		

**LIST OF PARTICIPANTS**

1  
2  
3  
4  
5  
6  
7  
8  
9

Judge James J. Caruolo

Attorney Christopher Millea

Joshua Mello

(Male)

(Female)

**TRANSCRIPT**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Judge Caruolo: Mr. Millea, are you ready on the Joshua Mello matter?

Attorney Millea: I believe so, Judge. Yes.

Judge Caruolo: Is Joshua Mello in the courtroom? Come on up, sir. Counsel, would you identify yourself for the record?

Attorney Millea: Good morning, Your Honor. Christopher Millea on behalf of the City of Cranston.

Judge Caruolo: Thank you. Sir, may I have your name, please?

Joshua Mello: Joshua Mello, Your Honor.

Judge Caruolo: All right, so this is a motion for post-conviction relief filed pro se. Is that correct?

Joshua Mello: That is correct, Your Honor.

Judge Caruolo: All right.

Attorney Millea: Judge, I-, I-, I'm not sure – I'll just lay out procedurally. I'm not sure why this is here. Mr. Mello was, was convicted in this Court, properly convicted. He properly filed a – an appeal of the Superior Court. It was handled by the Attorney General's. Uh, by agreement with the

1 Attorney General, Mr. Mello asked that the matter be remanded back  
2 to District Court. And at that point, (it's set 1:14) here. So the  
3 conviction – uh, upon conviction and, and not doing anything  
4 (unintelligible 1:20) 5 days, it ripened into a conviction. So he's  
5 filing...

6  
7 Judge Caruolo: So he took an appeal.

8  
9 Attorney Millea: He took an appeal and it came back.

10  
11 Judge Caruolo: But it was a timely appeal.

12  
13 Attorney Millea: But it also was a timely come back. So you have to do something with  
14 it once it comes here.

15  
16 Judge Caruolo: Okay.

17  
18 Attorney Millea: He, he filed for post-conviction. It has nothing to do with the City, so  
19 to speak. Uh, he apparently was before Judge McCaffrey last week.

20  
21 Judge Caruolo: Yeah.

22  
23 Attorney Millea: There's an order in which he was supposed to be at least interviewed  
24 by the Public Defender's Office to see if he qualifies for counsel. On  
25 behalf of the City, I'm not sure – uh, I'm gonna be having  
26 conversation with Mr. Catalano (unintelligible 1:59) with the  
27 members of Attorney General's Department representing the City  
28 because I believe his, his claim at least is in part against his attorney

1 but I don't know (if 2:09) also Mr. Mello has, uh, taken it upon  
2 himself to file a couple of 1983 claims in federal court.

3

4 Judge Caruolo: Okay.

5

6 Attorney Millea: Uh, and those are being handled by, uh, uh, by the City through Mr.  
7 (DeSisto's 2:22) office. So I'm just not sure why we're here. I'm not  
8 tryin' to belabor it. According to Judge McCaffrey's order, he is going  
9 to be giving, uh, an evidentiary hearing...

10

11 Judge Caruolo: Uh, Sheriff.

12

13 Attorney Millea: ...(unintelligible 2:33).

14

15 Judge Caruolo: Pardon me.

16

17 (2:34 to 2:45 unrelated to this case)

18

19 Judge Caruolo: I'm sorry, Mr. Millea.

20

21 Attorney Millea: No, that's okay, Your Honor. Thank you. So according to Judge  
22 McCaffrey's order, it is going to be on for a hearing of some sort. I, I  
23 just (unintelligible 2:54)...

24

25 Judge Caruolo: Before Judge McCaffrey?

26

27 Attorney Millea: That's according to this order that she issued last week.

28

1 Judge Caruolo: All right, so as of today, Mr. Mello was supposed to interview with  
2 the PD's office.

3  
4 Attorney Millea: That's, that's, that's all I think it's here for, yeah.

5  
6 Judge Caruolo: Is that your understanding, Mr. Mello?

7  
8 Joshua Mello: Uh, negative, Your Honor. Last, uh, I was here, I had already  
9 interviewed. There was a notice from the public defender said that I  
10 was in conflict. I sh-, was coming...

11  
12 Judge Caruolo: Okay.

13  
14 Joshua Mello: ...here to get a (approved 3:16) lawyer.

15  
16 Judge Caruolo: Okay.

17  
18 Joshua Mello: As of the last, I understood, uh...

19  
20 Judge Caruolo: Court-appointed counsel?

21  
22 Joshua Mello: Correct, Your Honor.

23  
24 Judge Caruolo: All right. Lemme just see. Have your – has your office submitted a  
25 conflict letter to the Court yet?

26  
27 (Male): There should be one in the portal, Your Honor.

28



1 Judge Caruolo: Is there one in the portal? I don't know what he's talkin' about.  
2 Usually I get them physically.

3

4 (Female): For a, uh, attorney (for 3:34) PD?

5

6 Judge Caruolo: Conflict letter.

7

8 (Female): Conflict letter.

9

10 Judge Caruolo: You need to provide those physically to the Court so we can look in  
11 the file. It's not enough to just file it in the portal.

12

13 (Male): I may have filed it at a earlier date. I believe this, uh, this has been on  
14 before.

15

16 (Male): Judge, if I can, uh – perhaps I can help the Court.

17

18 Judge Caruolo: I have a...

19

20 (Male): ...since yours...

21

22 Judge Caruolo: One m-, one moment.

23

24 (Male): ...yours (unintelligible 3:56)...

25

26 Judge Caruolo: I have a, I have a conflict letter.

27

28 (Male): Okay.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Judge Caruolo: It's dated December 6, so we're all set.

(Male): Yeah.

Judge Caruolo: Uh, lemme check to see if Court – has a court-appointed attorney contacted you yet, sir?

Joshua Mello: Uh, negative, Your Honor. I was under the, uh, understanding that that was supposed to have, uh, been done and I was supposed to, uh, meet with them today, not have, uh, the City here, uh, represented by...

Judge Caruolo: Well, the City, the City has every right to be here just as you do.

Joshua Mello: (Unintelligible 4:18) Catalano (when I) (unintelligible 4:19) prosecutorial misconduct case against him not only with the, uh, federal court but with the disciplinary committee (unintelligible 4:25).

Judge Caruolo: All right.

Joshua Mello: And in part, the reason why (unintelligible 4:27)...

Judge Caruolo: All right, Mr. Mello. Mr. Mello. I asked a very simple question.

Joshua Mello: Oh, I (thought 4:31)...

Judge Caruolo: Have you been contacted by court-appointed counsel yet?

1 Joshua Mello: I have not.

2  
3 Judge Caruolo: All right. So before you start addressing the Court, I wanna make sure  
4 that you're represented by an attorney so that you don't say something  
5 that's not in your best interest. Do you know if anybody's been  
6 appointed yet?

7  
8 (Female): No, there are several attorneys but, um, I was just looking at that and,  
9 uh, lemme see. Okay, looks like, uh, on November 28, Denise G-U-E-  
10 R-T-I-N has possibly been appointed.

11  
12 Judge Caruolo: All right, so the conflict letter's dated December 6.

13  
14 (Female): The attorney's name is Justin James Lisi. Oh, that would be – there  
15 was a conflict though (unintelligible 5:27) public defender.

16  
17 Judge Caruolo: So they submitted a conflict letter with...

18  
19 (Female): Right.

20  
21 Judge Caruolo: ...this Defendant and he needs court-appointed counsel.

22  
23 (Female): Right. I understand.

24  
25 Judge Caruolo: All right, so I'll give him a new date for the clerk's office to assign...

26  
27 (Female): And I'll (unintelligible 5:40) fax it over to (Kim 5:41).

28

1 Judge Caruolo: Okay. Mr. Mello...

2

3 (Female): Uh, 'cause I don't know if it was faxed over.

4

5 Judge Caruolo: ...Mr. Mello, sir?

6

7 Joshua Mello: Yes, Your Honor.

8

9 Judge Caruolo: You are entitled to court-appointed counsel. I'm gonna give ya a new  
10 date so that the clerk's office can appoint the next attorney on the list  
11 who handles post-conviction relief matters. I'll push it out because of  
12 the holiday. I can give ya the 8<sup>th</sup> or the 22<sup>nd</sup>. Which date is better for  
13 you, sir?

14

15 Joshua Mello: The, uh, 8<sup>th</sup> will be fine, Your Honor. Thank you.

16

17 Judge Caruolo: Reassigned 1/8/24 for court-appointed counsel to be assigned.

18

19 (Male): Quick question, Your Honor. Will that be in this courtroom?

20

21 Judge Caruolo: I guess so. It's been in front of Judge McCaffrey, it's here now. I'll  
22 keep it here so that we know who his attorney is and then procedurally  
23 it can be, um – a decision can be made as to whether or not his post-  
24 conviction relief request is heard here initially or not.

25

26 (Male): Right. She was the...

27

28 Joshua Mello: Thank you.

1

2 (Male): ...she was the trial judge, Your Honor.

3

4 Judge Caruolo: If she was the trial judge, i-, it may be properly before her.

5

6 (Male): Okay, so...

7

8 Judge Caruolo: Okay?

9

10 (Male): ...(2B 6:47) 1/8/24. Thank you.

11

12 Judge Caruolo: Okay.

13

14 Attorney Millea: Thank you, Your Honor.

15

16 Judge Caruolo: All right, sir? See the clerk. She'll give you a note. And, um, sir, just,  
17 uh, if ya see a telephone number come in on your phone, I know  
18 sometimes the spam – I'm gonna ask ya to answer it. It could be the  
19 attorney tryin' to get in touch with you. Okay?

20

21 Joshua Mello: Yes, sir. Uh, thank you.

22

23

24 /ad